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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8 and 10-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8 and 10-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 January 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 24 October 2007.

2. Claims 1-22 are pending in the application.

3. Claims 1-8 and 10-22 have been rejected.

4. Claim 9 has been cancelled.

Response to Arguments

5. Applicant's arguments filed 24 October 2007 have been fully considered but they are not persuasive.

On page 7 and 8, the applicant argues that Hamada fails to disclose limits on how much of the payload is scrambled. The applicant argues that Hamada discloses scrambling and descrambling of an entire payload, not a central portion thereof, much less a central portion being surrounded by an unscrambled portion.

The examiner respectfully disagrees. Hamada discloses that the PID is followed by a scrambled control portion of two bits [column 7, lines 58-59]. Therefore, the examiner asserts that Hamada discloses limits on how much of the payload is scrambled. The examiner asserts that descrambler 12 determines whether or not the portion of the payload is scrambled. The descrambler descrambles the scrambled portion.

On page 8, the applicant argues that Norr fails to disclose a single digital data stream that comprises both scrambled and unscrambled data packet.

The examiner agrees with this argument. However, Norr was not used to teach this feature. Norr was used to teach encrypting some of the packets.

Claim Objections

6. Claims 8 and 15 are objected to because of the following informalities: typographical error.

The applicant has amended the claim to include the word "surrounding" instead of "surrounded".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-8 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hamada U.S. Patent No. 6,754,347 BI in view of Norr U.S. Patent No. 7,085,377 B1.

As to claim 1, Hamada discloses a device to descramble a packetized digital data stream,

comprising:

the packet including a header portion and a data payload, the data payload

including a scrambled central portion surrounded on both sides by an

unscrambled portion [column 7, lines 54-65]; and

a descrambler to descramble the scrambled central portion of the data

payload of the packet [column 10, lines 18-24];

wherein the header portion is unscrambled [column 7, lines 54-65].

Hamada does not teach a receiver to receive a packet of a single digital data stream wherein only some of a plurality of data packets within the single digital data stream are scrambled.

Norr teaches selectively encrypting some of the packets [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that the packets containing the premium channels would have only been encrypted. The packets would have included a header portion and a data payload. The data payload would have included a scrambled central portion and an unscrambled portion. A descrambler would have descrambled the scrambled central portion of the data payload of the packet. The header portion would have been entirely unscrambled.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

As to claim 2, Hamada teaches that the scrambled central portion of the data payload is at a location within the payload portion of the packet such that the scrambled central portion is preceded and succeeded by the unscrambled portion [column 7, lines 54-65].

As to claims 3, 11, 16, 18, 20 and 22, Hamada teaches that the digital data stream is an MPEG-2 digital data stream [column 7, lines 54-65].

As to claim 4, Hamada teaches that the packet contains compressed digital data [column 7, lines 54-65].

As to claim 5, Hamada teaches that the compressed digital data includes a video signal [column 3 line 66 to column 4 line 6].

As to claim 6, Hamada teaches that the compressed digital data includes an audio signal [column 3 line 66 to column 4 line 6].

As to claim 7, Hamada teaches that the compressed digital data includes a video signal and an audio signal [column 3 line 66 to column 4 line 6].

As to claim 8, Hamada teaches a method of scrambling a packetized digital data stream, comprising;

producing a single data packet stream comprising a plurality of data packets [column 7, lines 54-65]; and

scrambling a first central portion of a data payload of some of the plurality of data packets within the single data packet stream without scrambling the header and a second portion of the data payload of the packets, the first central portion being surrounded on both sides by the second portion [column 7, lines 54-65].

Hamada does not teach a receiver to receive a packet of a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled.

Norr teaches selectively encrypting some of the packets [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that the packets containing the premium channels would have only been encrypted. The packets would have included a header

portion and a data payload. The data payload would have included a scrambled central portion and an unscrambled portion. A descrambler would have descrambled the scrambled central portion of the data payload of the packet. The header portion would have been entirely unscrambled.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

As to claim 10, Hamada teaches a method of scrambling a packetized digital data stream, comprising:

producing a single data packet stream comprising a plurality of data packets [column 7, lines 54-65]; and

scrambling only a central portion of a data payload every nth one of the plurality of data packets of the single data packet stream, where n is an integer greater than 1, the central portion being surrounded on both sides by the second portion [column 7, lines 54-65].

Hamada does not teach a receiver to receive a packet of a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled.

Norr teaches selectively encrypting some of the packets [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that the packets containing the

premium channels would have only been encrypted. The packets would have included a header portion and a data payload. The data payload would have included a scrambled central portion and an unscrambled portion. A descrambler would have descrambled the scrambled central portion of the data payload of the packet. The header portion would have been entirely unscrambled.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

As to claim 12, Hamada teaches compressed video data [column 3 line 66 to column 4 line 6].

As to claim 13, Hamada teaches compressed audio data [column 3 line 66 to column 4 line 6].

As to claim 14, Hamada teaches compressed video data and compressed audio data [column 3 line 66 to column 4 line 6].

As to claim 15, Hamada teaches a method of descrambling a packetized digital data stream, comprising:

receiving a data packet stream comprising a plurality of data packets [column 7, lines 54-65]; and

descrambling only a central portion of a data payload of every one of the plurality of data packets in the single data packet stream, the central portion being surrounded on both sides by the second portion [column 10, lines 18-24].

Hamada does not teach descrambling every nth packet, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets as received.

Norr teaches descrambling every nth packet, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets as received [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that only the central portion of every nth packet, where n was an integer greater than 1, would have been decrypted and the leaving the remaining ones.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

As to claim 17, Hamada teaches an apparatus for scrambling a packetized digital data stream, comprising:

producing a single data packet stream comprising a plurality of data packets [column 7, lines 54-65]; and

scrambling a first central portion of a data payload of the plurality of data packets within the single data packet stream and without scrambling a header and a second portion of the data payload of the plurality of data packets, the first central portion being surrounded on both sides by the second portion [column 7, lines 54-65].

Hamada does not teach a receiver to receive a packet of a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled.

Norr teaches selectively encrypting some of the packets [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that the packets containing the premium channels would have only been encrypted. The packets would have included a header portion and a data payload. The data payload would have included a scrambled central portion and an unscrambled portion. A descrambler would have descrambled the scrambled central portion of the data payload of the packet. The header portion would have been entirely unscrambled.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also

ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

As to claim 19, Hamada teaches an apparatus for scrambling a packetized digital data stream, comprising: producing a data packet stream comprising:

a plurality of data packets [column 7, lines 54-65]; and

scrambling only a central portion of the plurality of data packets, the central portion being surrounded on both sides by the second portion [column 7, lines 54-65].

Hamada does not teach a receiver to receive a packet of a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled.

Norr teaches selectively encrypting some of the packets [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that the packets containing the premium channels would have only been encrypted. The packets would have included a header portion and a data payload. The data payload would have included a scrambled central portion and an unscrambled portion. A descrambler would have descrambled the scrambled central portion of the data payload of the packet. The header portion would have been entirely unscrambled.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also

ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

As to claim 21, Hamada teaches an apparatus for descrambling a packetized digital data stream, comprising:

receiving a single data packet stream comprising a plurality of data packets [column 7, lines 54-65]; and

descrambling only a central portion the plurality of data packets [column 10, lines 18-24].

Hamada does not teach descrambling every nth packet, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets as received.

Norr teaches descrambling every nth packet, where n is an integer greater than 1, leaving remaining ones of the plurality of data packets as received [column 4, lines 29-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada so that only the central portion of every nth packet, where n was an integer greater than 1, would have been decrypted and the leaving the remaining ones.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamada by the teaching of Norr because it helps avoid unnecessary downloading of information already transmitted via broadcast airwaves, while also ensuring that copyright owners and service providers receive appropriate payments [column 2, lines 40-49].

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793.

The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy AM
December 29, 2007

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